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CLERK OF COURT

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ATTORNEY FOR: Plaintiffs

SOPHIA DiPESO, a minor by her :
and through her *Guardian Ad Litem* :
INNA DiPESO, individually, :

Plaintiff, :

vs. :

STEVEN R. DiPESO, THOMAS :
BOYD, individually and in his :
capacity of the CHIEF OF POLICE :
of the Borough of Seaside Heights, :
BOROUGH OF SEASIDE :
HEIGHTS, JOHN DOES I :
through V and XYZ, CORPS., :
I through V, fictitious entities. :

Defendants. :

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAPE MAY COUNTY

Docket No. CPM-L-441-15

Civil Action

COMPLAINT & JURY DEMAND

Plaintiff, Sophia DiPeso, a minor by and through her Guardian Ad Litem Inna DiPeso, residing at 2202 Seaboard Circle, North Wildwood, County of Cape May and State of New Jersey by way of Complaint against Defendants, says:

COUNT ONE-FRIENDLY APPROVAL OF MINOR SETTLEMENT

1. The Plaintiff is Sophia DiPeso, a minor by and through her Guardian Ad Litem, Inna DiPeso, individually.

2. Inna DiPeso, Guardian Ad Litem, is the natural mother of the minor Plaintiff, Sophia DiPeso. The Guardian Ad Litem, Inna DiPeso, does not have interests that compete

with the interests of the minor Plaintiff in this matter.

3. Defendant, Steven R. DiPeso, is the father of the minor Plaintiff.

4. On or about December 23, 2013, Defendant, Steven R. DiPeso, was the owner and operator of a 1997 Mercedes Benz motor vehicle, with a New Jersey State Registration Plate Number D92AER.

5. On or about December 23, 2013, Defendant, Steven R. DiPeso, was operating his motor vehicle in a southbound direction on the Garden State Parkway at or near mile post 129.1, in Woodbridge, New Jersey.

6. Defendant, Steven R. DiPeso, is a resident of the State of New Jersey, in the County of Cape May, living in the Municipality of North Wildwood, New Jersey.

7. The minor Plaintiff, by and through her Guardian Ad Litem, Inna DiPeso, are household members and reside with Defendant, Steven R. DiPeso, in Cape May County, New Jersey. On or about December 23, 2013, as Defendant, Steven R. DiPeso, was operating his motor vehicle in a southbound direction on the Garden State Parkway, he was involved in a motor vehicle accident with a vehicle operated by Defendant, Thomas Boyd and owned by the Borough of Seaside Heights, a Municipal entity located in Ocean County, New Jersey.

8. The minor Plaintiff was a restrained passenger in the vehicle driven by her father and accompanied by her mother. On or about December 23, 2013, Defendant, Thomas Boyd, was also operating in a southbound direction on the Garden State Parkway at or near mile post 129.1 when a collision between the Seaside Heights Borough vehicle operated by Defendant, Thomas Boyd, collided with the vehicle operated by Defendant, Steven R. DiPeso.

9. Defendant, Steven R. DiPeso, operated his vehicle in a negligent manner, breaching his duty to the Plaintiff to act in a reasonable manner under the circumstances.

10. Defendant, Steven R. DiPeso, was negligent in that he failed to make proper observation of other vehicles, was inattentive, failed to control his vehicle, failed to maintain his lane, failed to properly signal lane changes or other maneuvers he was taking on the highway, was careless, was reckless, failed to observe traffic conditions, failed to properly

merge into a travel lane on the Garden State Parkway, violated the Motor Vehicle Statutes of the State of New Jersey and was otherwise negligent.

11. As a direct and proximate result of the negligence of Defendant, Steven R. DiPeso, the minor Plaintiff, Sophia DiPeso, was caused to suffer severe disabling personal injuries, including pain and suffering, a severely broken leg including a displaced fracture requiring multiple surgical interventions, injuries resultant from the displaced fracture causing permanent scarring, permanent disability, permanent gait interruption, permanent imbalance and other related injuries which will result in a lifetime of disability related to functions of her body being affected by the broken leg. The minor Plaintiff also suffered other personal injuries and damages.

12. The minor Plaintiff, Sophia DiPeso, also sustained emotional distress and anxiety, sleeplessness, fear and other psychological injuries as a result of the accident.

13. The minor Plaintiff, Sophia DiPeso, has suffered medical expenses, property damage and other economic damages. The minor Plaintiff has also suffered medical expense costs that will be in excess of those available under the terms of her personal injury protection coverage and may cause her to sustain exposure to future medical expenses related to the surgical correction of her broken leg and remediation of any scarring damage she sustained.

14. During the course of this claim, the Defendant, Steven R. DiPeso, by and through his representatives, tendered all available bodily injury policy limits that he carried through his automobile insurance coverage to the minor Plaintiff as his contribution toward settlement of her damaged claims. Plaintiff is aware that there is no other umbrella coverage available to Steven R. DiPeso as a Defendant.

15. The minor Plaintiff, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, also understand that there are additional causes of action against other responsible parties that may or may not result in additional damages being awarded.

16. Based upon the aforementioned, the Plaintiff requests that this Court approve the settlement as to the Defendant, Steven R. DiPeso, only and permit the Plaintiff to receive

those funds and have them deposited with the Surrogate according to State Statute and New Jersey Court Rule.

WHEREFORE, the minor Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, demands judgment against Defendant, Steven R. DiPeso, in an amount sufficient to make her whole, including compensatory damages, interest, costs of suit and any other relief that the Court may deem equitable and just. The minor Plaintiff, through her Guardian Ad Litem and natural mother, Inna DiPeso, also requests that the Court grant friendly approval and issue a judgment approving the minor's settlement and directing that the deposit of funds as to the Defendant, Steven R. DiPeso, only.

COUNT TWO-MINOR PLAINTIFF v. THOMAS BOYD

1. The Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, repeats the allegations contained in the previous Count of the Complaint and incorporate same as if set forth at length.

2. Defendant, Thomas Boyd, is an adult individual presently residing in Toms River, Ocean County, New Jersey.

3. At all times relevant hereto, the Defendant, Thomas Boyd, was the operator of a 2013 Chrysler Town and Country Minivan with a New Jersey Registration Plate Number MG98566.

4. The vehicle operated by Defendant, Thomas Boyd and owned by the Defendant, Borough of Seaside Heights is registered under a Municipal Government tag and it is also rendered under a second New Jersey registration through the New Jersey Motor Vehicle Commission related to confidential police registration as that vehicle is utilized for undercover and surveillance activities in the continuation of the duties of the Seaside Heights Police Department, a law enforcement agency which is part of the Borough of Seaside Heights.

5. On or about December 23, 2013, Defendant, Thomas Boyd, was operating the vehicle owned by Seaside Heights Borough in a southbound direction on the Garden State

Parkway at mile post 129.1, at which time he caused his vehicle to come into contact with and have a motor vehicle accident with the vehicle operated by Defendant, Steven R. DiPeso, who was pled in Count One.

6. Defendant, Thomas Boyd, operated his vehicle in a negligent manner breaching his duty to Plaintiff to act in a reasonable manner under the circumstances.

7. Defendant, Thomas Boyd, was negligent in that he failed to make proper observation of other vehicles, was inattentive, failed to control his vehicle, failed to maintain his lane, failed to signal movement between lanes and/or other movements of his vehicle, was careless, was reckless, failed to observe traffic conditions, collided with the vehicle operated by Defendant, Steven R. DiPeso, in which the minor Plaintiff was a passenger, violated a Motor Vehicle Statute to the State of New Jersey and was otherwise negligent.

8. As a direct and proximate result of the negligence of Defendant, Thomas Boyd, the minor Plaintiff, Sophia DiPeso, was caused to suffer severe disabling personal injuries, including pain and suffering, a severely broken leg including a displaced fracture requiring multiple surgical interventions, injuries resultant from the displaced fracture causing permanent scarring, permanent disability, permanent gait interruption, permanent imbalance and other related injuries which will result in a lifetime of disability related to functions of her body being affected by the broken leg. The minor Plaintiff also suffered other personal injuries and damages.

9. The minor Plaintiff, Sophia DiPeso, also sustained emotional distress and anxiety, sleeplessness, fear and other psychological injuries as a result of the accident.

10. The minor Plaintiff, Sophia DiPeso, has suffered medical expenses, property damage and other economic damages. The minor Plaintiff has also suffered medical expense, costs that will be in excess of those available under the terms of her personal injury protection coverage and may cause her to sustain exposure to future medical expenses related to the surgical correction of her broken leg and remediation of any scarring damage she sustained.

WHEREFORE, the minor Plaintiff, Sophia DiPeso, by and through her Guardian Ad

Litem and natural mother, Inna DiPeso, demands judgment against Defendant, Thomas Boyd, in an amount sufficient to make her whole, including compensatory damages, interest, attorneys' fees, costs of suit, punitive damages and any other relief the Court deems equitable and just.

**COUNT THREE - PLAINTIFF v. THOMAS BOYD
IN HIS CAPACITY AS CHIEF OF POLICE OF THE
SEASIDE HEIGHTS POLICE DEPARTMENT**

1. The Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, repeats the allegations contained in the previous Counts of the Complaint and incorporates same herein as if set forth at length.

2. On December 23, 2013, Defendant, Thomas Boyd, was employed as the Chief of Police of the Seaside Heights Police Department, a law enforcement agency, a part of the Borough of Seaside Heights, a Municipal entity located in Ocean County, New Jersey.

3. As part of his job duties as Police Chief of the Borough of Seaside Heights, Defendant, Thomas Boyd, is expected to be on duty 24 hours a day, 7 days a week and available either individually or through a designated officer in charge in his absence.

4. Defendant, Thomas Boyd, in his capacity as Police Chief of the Seaside Heights Borough Police Department is subject to an employment contract including conditions of employment with the Seaside Heights Borough Police Department and the Borough of Seaside Heights, Ocean County, New Jersey.

5. As part of his ongoing employment duties, both statutory and contractual, Defendant, Thomas Boyd, is permitted and/or authorized to operate vehicles registered to and used by the Borough of Seaside Heights Police Department.

6. On December 23, 2013, Thomas Boyd, was acting in the scope of his employment both as a statutory employee and as a contractual employee of the Borough of Seaside Heights, and was operating a vehicle registered to and owned by the Borough of Seaside Heights, said vehicle used for the general business of the Municipality of this Police Department, and available under the terms of his employment agreement to Defendant, Thomas Boyd, for his alternative uses.

7. On or about December 23, 2013, Defendant, Thomas Boyd, in his capacity as Chief of Police of Seaside Heights Borough Police Department, was operating the vehicle owned by Seaside Heights Borough in a southbound direction on the Garden State Parkway at mile post 129.1, at which time he caused his vehicle to come into contact with and have a motor vehicle accident with the vehicle operated by Defendant, Steven R. DiPeso, who was pled in Count One.

8. Defendant, Thomas Boyd, in his capacity as Chief of Police of Seaside Heights Borough Police Department, operated his vehicle in a negligent manner breaching his duty to Plaintiff to act in a reasonable manner under the circumstances.

9. Defendant, Thomas Boyd, in his capacity as Chief of Police of Seaside Heights Borough Police Department, was negligent in that he failed to make proper observation of other vehicles, was inattentive, failed to control his vehicle, failed to maintain his lane, failed to signal movement between lanes and/or other movements of his vehicle, was careless, was reckless, failed to observe traffic conditions, collided with the vehicle operated by Defendant, Steven R. DiPeso, in which the minor Plaintiff was passenger, violated a Motor Vehicle Statute to the State of New Jersey and was otherwise negligent.

10. As a direct and proximate result of the negligence of Defendant, Thomas Boyd, in his capacity as Chief of Police of Seaside Heights Borough Police Department, the minor Plaintiff, Sophia DiPeso, was caused to suffer severe disabling personal injuries, including pain and suffering, a severely broken leg including a displaced fracture requiring multiple surgical interventions, injuries resultant from the displaced fracture causing permanent scarring, permanent disability, permanent gait interruption, permanent imbalance and other related injuries which will result in a lifetime of disability related to functions of her body being affected by the broken leg. The minor Plaintiff also suffered other personal injuries and damages.

11. The minor Plaintiff, Sophia DiPeso, also sustained emotional distress and anxiety, sleeplessness, fear and other psychological injuries as a result of the accident.

12. The minor Plaintiff, Sophia DiPeso, has suffered medical expenses, property

damage and other economic damages. The minor Plaintiff has also suffered medical expense costs that will be in excess of those available under the terms of her personal injury protection coverage and may cause her to sustain exposure to future medical expenses related to the surgical correction of her broken leg and remediation of any scarring damage she sustained.

WHEREFORE, minor Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, demands judgement against Defendant, Thomas Boyd, in his capacity as Chief of Police of Seaside Heights Borough Police Department and as employee of the Borough of Seaside Heights in an amount sufficient to make her whole, including compensatory damages, interest, attorneys' fees, costs of suit, punitive damages and any other relief the Court deems equitable and just.

**COUNT FOUR - PLAINTIFF v. BOROUGH
OF SEASIDE HEIGHTS POLICE DEPARTMENT**

1. The Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, repeats the allegations contained in the previous Counts of the Complaint and incorporates same herein as if set forth at length.

2. The Defendant, Borough of Seaside Heights Police Department, is a law enforcement agency of the political subdivision known as the Borough of Seaside Heights located and organized in Ocean County, New Jersey.

3. Defendant, Thomas Boyd, individually and in his capacity as the Police Chief of the Borough of Seaside Heights Police Department was operating a vehicle owned by the Borough of Seaside Heights with the permission of that Municipal entity.

4. On December 23, 2013, Defendant, Borough of Seaside Heights Police Department, permitted its Chief, Defendant, Thomas Boyd, to operate a vehicle in his official capacity and/or in his individual capacity.

5. On December 23, 2013, the Defendant, Thomas Boyd, as an employee and representative of the Defendant, Seaside Borough Heights Police Department, was involved in a motor vehicle accident on the southbound lanes of the Garden State Parkway at mile post

129.1, at which time he negligently operated the vehicle and collided with the vehicle in which the minor Plaintiff and her mother were passengers.

6. The Defendant, Seaside Heights Borough Police Department, was negligent in that it failed to properly hire, train, supervise or direct the activities of its Police Chief, and was otherwise negligent.

7. Defendant, Borough of Seaside Heights Police Department, was also negligent in that it entrusted the use of an official vehicle to the Chief of Police and Defendant. Thomas Boyd, under circumstances which were unreasonable when they knew or should have known he was not capable of properly operating that motor vehicle either in his official capacity or in his personal capacity.

8. As a direct and proximate result of the negligence of Defendant, Seaside Heights Borough Police Department, the minor Plaintiff, Sophia DiPeso, was caused to suffer severe disabling personal injuries, including pain and suffering, a severely broken leg including a displaced fracture requiring multiple surgical interventions, injuries resultant from the displaced fracture causing permanent scarring, permanent disability, permanent gait interruption, permanent imbalance and other related injuries which will result in a lifetime of disability related to functions of her body being affected by the broken leg. The minor Plaintiff also suffered other personal injuries and damages.

9. The minor Plaintiff, Sophia DiPeso, also sustained emotional distress and anxiety, sleeplessness, fear and other psychological injuries as a result of the accident.

10. The minor Plaintiff, Sophia DiPeso, has suffered medical expenses, property damage and other economic damages. The minor Plaintiff has also suffered medical expense, costs that will be in excess of those available under the terms of her personal injury protection coverage and may cause her to sustain exposure to future medical expenses related to the surgical correction of her broken leg and remediation of any scarring damage she sustained.

WHEREFORE, minor Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, demands judgement against Defendant, Seaside

Heights Borough Police Department in an amount sufficient to make her whole, including compensatory damages, interest, attorneys' fees, costs of suit, punitive damages and any other relief the Court deems equitable and just.

**COUNT FIVE - PLAINTIFF v. BOROUGH
OF SEASIDE HEIGHTS**

1. The Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, repeats the allegations contained in the previous Counts of the Complaint and incorporates same herein as if set forth at length.

2. Defendant, Borough of Seaside Heights, is a municipal entity organized under the laws of the State of New Jersey and is a municipal subdivision with its principal place of business located in Seaside Heights, Ocean County, New Jersey.

3. Defendant, Borough of Seaside Heights, retained as its Chief of its Police Department, Co-Defendant, Thomas Boyd.

4. Defendant, Borough of Seaside Heights, maintains an employment contract with Defendant, Thomas Boyd, setting forth his duties and responsibilities as a Police Chief and also setting forth his rate of compensation including his benefits and in addition, sets forth the City and Police Department Policy with regard to his use of motor vehicles both owned or operated in his official capacity and in his individual capacity.

5. On December 23, 2013, Thomas Boyd, was the Chief of Police and was an employee of Defendant, Borough of Seaside Heights.

6. On the date and time of the accident, Defendant, Thomas Boyd, was a contractual and statutory representative and authorized agent of the Borough of Seaside Heights, a municipality organized under the laws of the State of New Jersey.

7. The Borough of Seaside Heights was negligent in that it failed to properly supervise, hire, train or contract with the Defendant, Thomas Boyd, as its Police Chief, failed to restrict and/or otherwise his operation and use of City owned motor vehicles, negligently entrusted the 2013 Chrysler Town and Country Minivan to the use of Chief, Thomas Boyd, either while in his official capacity or in his individual capacity, negligently entrusted the use

of the vehicle to Chief Boyd under circumstances that were unreasonable, in particular, permitting his use of the vehicle when the Borough of Seaside Heights knew or should have known that he was unable to properly operate that vehicle.

8. As a direct and proximate result of the negligence of Defendant, Borough of Seaside Heights, the minor Plaintiff, Sophia DiPeso, was caused to suffer severe disabling personal injuries, including pain and suffering, a severely broken leg including a displaced fracture requiring multiple surgical interventions, injuries resultant from the displaced fracture causing permanent scarring, permanent disability, permanent gait interruption, permanent imbalance and other related injuries which will result in a lifetime of disability related to functions of her body being affected by the broken leg. The minor Plaintiff also suffered other personal injuries and damages.

9. The minor Plaintiff, Sophia DiPeso, also sustained emotional distress and anxiety, sleeplessness, fear and other psychological injuries as a result of the accident.

10. The minor Plaintiff, Sophia DiPeso, has suffered medical expenses, property damage and other economic damages. The minor Plaintiff has also suffered medical expense, costs that will be in excess of those available under the terms of her personal injury protection coverage and may cause her to sustain exposure to future medical expenses related to the surgical correction of her broken leg and remediation of any scarring damage she sustained.

WHEREFORE, minor Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, demands judgement against Defendant, Borough of Seaside Heights, in an amount sufficient to make her whole, including compensatory damages, interest, attorneys' fees, costs of suit, punitive damages and any other relief the Court deems equitable and just.

COUNT SIX - PLAINTIFF v. ALL DEFENDANTS
SPOILIATION OF EVIDENCE

1. The Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, repeats the allegations contained in the previous Counts of the

Complaint and incorporates same herein as if set forth at length.

2. Defendants to this matter, in particular, Thomas Boyd, individually, Thomas Boyd in his capacity as Police Chief of the Police Department of Seaside Heights Borough, and as an employee or representative of the Police Department and the Defendant, Borough of Seaside Heights, Defendant, Seaside Heights Borough Police Department and Defendant, Seaside Heights Borough, are liable to the minor Plaintiff, Sophia DiPeso, for spoliation of evidence.

3. On or about December 23, 2013, following the happening of the motor vehicle accident in this matter, the Defendant, Thomas Boyd, individually and in his capacity as an agent, servant, workman or contractual and statutory employee, of the Seaside Heights Borough Police Department and the Borough of Seaside Heights, acted in a manner to misrepresent the facts of the happening of the accident.

4. Following the happening of the accidents, Chief Boyd and others potentially involving a New Jersey State Trooper and a Borough of Woodbridge Police Officer, acted in concert to improperly misrepresent not only the facts of the happening of the accident but also acted in concert to conceal the identity of a witness to the accident.

5. The Defendants were aware of the existence of the witness, and failed to document his name and identity, and failed to document the identity and registration of the vehicle he was driving.

6. The Defendants acted in this manner in order to conceal the identity of an unfavorable witness from the Plaintiff and her representatives and acted in this manner in order to deprive the Plaintiff of the ability to prosecute a civil case related the happening of the motor vehicle accident. Plaintiffs allege that this civil conspiracy was engaged in for the purposes of protecting the Defendant Police Chief.

7. Defendants acted in concert to not only mislead the Plaintiff and misrepresent the happening of the accident but also acted in concert to provide an inaccurate and false police report regarding the facts of the happening of the accident. The witness that was undocumented was hidden from the Plaintiff for the purpose of depriving her from being able

to dispose the true happening of the accident, the facts of which were contrary to the financial interests of the Chief of Police and the Defendant, Seaside Heights Borough Police Department and Defendant, Borough of Seaside Heights.

8. As a result of the spoliation of evidence undertaken by all Defendants set forth above, the Plaintiff has been deprived of her ability to effectively prosecute her case and, as a result, will suffer additional monetary damages.

WHEREFORE, minor Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, demands judgement against all Defendants, in an amount sufficient to make her whole, including compensatory damages, interest, attorneys' fees, costs of suit, punitive damages and any other relief the Court deems equitable and just.

**COUNT SEVEN - PLAINTIFF v. JOHN DOES I THROUGH V
AND XYZ CORP., I THOUGH V**

1. The Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, repeats the allegations contained in the previous Counts of the Complaint and incorporates same herein as if set forth at length.

2. Defendants, John Does I through V and XYZ Corp., I through V, represent fictitious individuals, businesses and entities that either own, registered or operated, any of the Defendant motor vehicles involved in this matter and also represent any individual business or entity involved in assisting Defendants in the spoliation of evidence, including failure to disclose and document the witness to the motor vehicle accident and the misrepresentation of the happening of the accident on the police report.

3. As a direct and proximate result of the negligent actions of the fictitious entities and/or their intentional actions, the Plaintiff has sustained damages.

4. The Plaintiff pleads these Defendants as fictitious entities and reserves the right to substitute the real party in interest for the fictitious designation upon their discovery during the discovery process.

WHEREFORE, minor Plaintiff, Sophia DiPeso, by and through her Guardian Ad Litem and natural mother, Inna DiPeso, demands judgement against John Does, I though V

and XYZ Corp. I through V, in an amount sufficient to make her whole, including compensatory damages, interest, attorneys' fees, costs of suit, punitive damages and any other relief the Court deems equitable and just.


MICHAEL A. SORENSEN, ESQUIRE

DATED: September 2, 2015

CERTIFICATION PURSUANT TO RULES 4:5-1

I, MICHAEL A. SORENSEN, ESQUIRE, certify that the matter in controversy is not the subject of any other action pending in any Court and is not the subject of a pending arbitration proceeding. Further, there are no other parties who should be joined in this litigation of whom I am aware, other than those named herein.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

JURY DEMAND

The Plaintiff hereby demands trial by jury on all of the triable issues of this action pursuant to R. 1:8-2(b) and R. 4:35-1(a).

NOTICE PURSUANT TO RULES 1:5-1(a) and 4:17-4(c)

TAKE NOTICE that the undersigned attorney, Michael A. Sorensen, Esquire, counsel for Plaintiff, does hereby demand pursuant to Rules 1:5-1(a) and 4:17-4(c) that each party herein serving pleadings and Interrogatories and receiving answers thereto, serve copies of all such pleadings and answers to Interrogatories received from any party upon the undersigned attorney and **TAKE NOTICE** that this is a continuing demand.

STATEMENT OF DAMAGES

Plaintiffs claims damages in the amount of \$750,000.00.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to R. 4:17-1(b)(1), Plaintiff demands that Defendant provide certified answer to Uniform Interrogatories, Form C and Form C(1) as set forth in the Appendix to the Court Rules, within the time as set forth in the Rules governing civil practice starting from the date of service of this Complaint.

NOTICE OF TRIAL COUNSEL PURSUANT TO RULE 4:25-1

PLEASE TAKE NOTICE that attorney, Michael A. Sorensen, Esquire, is hereby designated as trial counsel for the Plaintiff in the above captioned litigation pursuant to Rule 4:25-4.



MICHAEL A. SORENSEN, ESQUIRE

DATED: September 2, 2015

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

1. On the date of the accident, did the owner of the Defendant's vehicle have an automobile liability insurance policy, and if so, set forth the name of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the policy declarations.
2. On the date of the accident, did the owner of the Defendant's vehicle have any excess coverage, including a personal liability catastrophe umbrella, and if so, set forth the name of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the policy declarations.
3. On the date of the accident, did the driver of the Defendant's vehicle have an automobile liability insurance policy, and if so, set forth the name of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the policy declarations.
4. On the date of the accident, did the driver of the Defendant's vehicle have any excess coverage, including a personal liability catastrophe umbrella, and if so, set forth the name of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the policy declarations.
5. On the date of the accident, did the Defendant's vehicle reside with any family members (persons related by blood, marriage or adoption) who were the named insured on an automobile liability insurance policy and, if so, set forth the name(s) of the family member(s), the names of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the policy declarations.
6. On the date of the accident, did the Defendant's vehicle reside with any family members (persons related by blood, marriage or adoption) who were the named insured on an excess policy including a personal liability catastrophe umbrella and, if so, set forth the name(s) of the family member(s), the names of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the policy declarations.
7. Please produce any and all other discoverable information, documentation or other evidence related to insurance coverage available to cover the loss set forth in the Plaintiff's Complaint.



MICHAEL A. SORENSEN, ESQUIRE

DATED: September 2, 2015

NOTICE TO PRODUCE

PLEASE TAKE NOTICE that in accordance with R. 4:10-2, et seq., and R. 4:18-1 specifically, Plaintiffs demand that Defendants provide copies of all discoverable materials within thirty (30) day after the service of this request.

If the Defendants believe that an item demanded is not discoverable, please identify the item or information and state why it is not discoverable. If the item cannot be copied, please state what it is so a mutually convenient date and time can be agreed upon for inspection or reproduction of the item.

DEFINITIONS

- A. "Document" or "Documents" mean(s) the original and any identical or non-identical copy regardless of origin or location, or any writing or record of any type or description, including pamphlet, periodical, letter, memorandum, telegram, report, record, study, handwritten or other note, working paper, charge, paper, card, index, tape, computer disc, data sheet or data processing card, correspondence, table, analysis, schedule, diary, message (including but not limited to, reports of telephone conversations or conferences, bulletins, instructions, intra office communications), purchase orders, bills of lading, bid tabulations, questionnaires, surveys, contracts, lease, deeds, assignments, books of account, invoices, films, photographs, photographic negatives, tape recordings (or any transcribed recordings), drawings and other data compilations from which information can be obtained to describe punch taped files.
- B. "Premises" refers to that area set forth in the Plaintiff's Complaint where the occurrence took place, where the incident or accident subject to the Complaint took place or where the Plaintiff was injured.
1. The entire contents of any investigation file or files and any other documentary material in your possession which supports or relates to the allegations of the Defendant's answer (excluding references to mental impressions, conclusions or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications to and from counsel).
 2. Any and all statements concerning this action, as defined by R. 4:10-2 from any witnesses including any statements from the parties herein, or their respective agents, servants or employees.
 3. Copies of all photographs of the parties involved, vehicles involved, equipment involved, scene of accident or any other photos which Defendant intends to use in discovery or at the time of trial. Also, give the name and address of the photographer.
 4. Any and all documents containing the name and home or business address of all individuals contacted as potential witnesses.
 5. Names and addresses of any expert witness consulted by the Defendant and/or his representatives and attach hereto copies of any reports received from experts with a copy of the expert(s) Curriculum Vitae.
 6. A copy of all insurance policies under which the Defendant is provided coverage for the incident which is the subject matter of the Complaint.
 7. Any and all other discoverable information, documentation and/or other evidence either in any Defendant's possession, under the control of any Defendant or otherwise known to any Defendant or any other entity.
 8. Any and all statements, reports, writings, letters, documents and/or papers that were made, completed or signed by Plaintiff or Defendant, their agents, representatives or employees.

9. Any and all statements made by witnesses to any events described in all of the paragraphs of Plaintiff's Complaint, along with their names and addresses.
10. Any and all statements made by any person other than Defendant or any eye witnesses which relate or refer in any way to the incident described in Plaintiff's Complaint.
11. Any and all CIB, index and/or claim reports on Plaintiff(s) or Plaintiff(s) spouse.
12. Any and all written reports rendered by Defendant(s) proposed expert witnesses including but not limited to, any medical expert witnesses intended or not intended to be called at the time of trial.
13. Any and all documents provided to Defendant(s) proposed expert witnesses which said expert may or may not rely upon at the time of trial.
14. Any and all books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations or other published documents referred to and utilized by or relied upon by any expert witness whom Defendant(s) intend to call at the time of trial.
15. Any and all blueprints, charts, diagrams, drawings, graphs, maps, plans, photographs, models, anatomical exhibits, or other visual reproductions of any object, place or thing prepared, utilized by, referred to or relied upon by any expert witnesses that Defendant(s) intend to call at the time of trial and/or upon which said expert will rely in his or her testimony at the time of trial in this matter.
16. The name and address of the Defendant(s) insurance carrier(s), the amount of coverage for personal injury liability, the amount of coverage for medical payment liability, and the name and address and policy number of the insurance company providing umbrella and/or excess coverage and a complete copy of the aforesaid insurance policies.
17. Any and all photographs or surveys of the scene of the accident or of any objects or persons involved therein whether in the possession of the Defendant(s), the Defendant's attorneys or in the possession of any representatives of the Defendant's insurance carriers as well as any and all photographs taken of any damaged parts of any automobiles or vehicles that may have been involved in the accident in question as well as any photographs of the parties, the incident/accident scene or any of the alleged injuries, damages and losses referred to in the Complaint.
18. Any and all written reports or summaries of oral reports as well as a copy of the Curriculum Vitae of any and all experts that have supplied reports to the Defendant(s) attorney(s) whose testimony will be offered at the time of trial in the above matter.
19. Any and all hospital reports, doctors' reports, doctors' office records, medical reports, x-ray reports, diagnostic testing reports, medical bills, drug bills and any other documented medical information of any nature, kind or description upon which Defendant will or may rely upon at the time of trial in the direct or cross-examination of any witness.

20. Copies of any and all other records or documents supporting Defendant's allegations set forth in any affirmative defense(s).
21. Any and all other documents of any nature, kind or description upon which you will rely or that are relevant to the allegations of comparative negligence set forth in the answer.
22. Any and all statements, written, typed or verbal in nature upon which you will rely upon at the time of trial or which are relevant to the incident in question or the defenses alleged.
23. Any and all accident reports or incident reports prepared by anyone as a result of the subject accident or incident.
24. Any and all investigation reports prepared by anyone regarding the subject matter of this lawsuit.
25. With regard to every allegation of wrongdoing you have set forth as against this Plaintiff, provide all factual documentation upon which you intend to rely in establishing same.
26. Demand is hereby made that any and all documentation obtained by any party to this litigation, whether by Subpoena, Subpoena Duces Tecum, Authorization or any source, be provided. Failure to do so will result in an objection to their use for any reason whatsoever at the time of arbitration and/or trial.
27. Demand is hereby made for a copy of any and all pleadings, discovery and/or any other information and/or documentation provided and/or exchanged by any parties to this litigation.
28. A copy of any photographs, motion pictures, video tapes, etc., that constitute a surveillance that was taken of the Plaintiff(s) by the Defendant(s), their attorney(s), investigator(s) or any other type of insurance company representative, employee or agent. Please take note that this is a continuing demand. The aforesaid should be produced with seven (7) days of the completion of the surveillance.
29. Any and all property damage estimates for any vehicle that was involved in this accident.
30. The defense shall supply the number of medical examinations performed by its experts as well as the number of independent medical examinations performed by all of the physicians working with said expert for the last five (5) years.
31. The number of discovery depositions, videotaped depositions and trial appearances made by Defendant's experts as well as the number of discovery depositions, videotaped depositions and trial appearances made by all the physicians working with said expert for the last five (5) years.
32. The defense shall provide a breakdown of the monies received by its expert as well as the physicians working with said expert for performing the aforementioned independent medical examinations, discovery depositions, videotaped depositions and trial appearances for the last five (5) years.

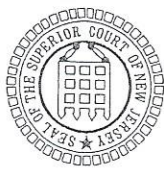
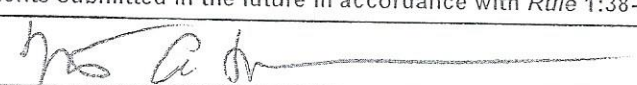
33. The defense shall provide to the Plaintiff the entire medical file, including handwritten notes of said expert as it pertains to Plaintiff.



MICHAEL A. SORENSEN, ESQUIRE

DATED: September 2, 2015

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY		
			PAYMENT TYPE: ☐ CK ☐ CG ☐ CA		
			CHG/CK NO.		
			AMOUNT:		
			OVERPAYMENT:		
		BATCH NUMBER:			
ATTORNEY / PRO SE NAME Michael A. Sorensen, Esquire		TELEPHONE NUMBER (609) 463-0700		COUNTY OF VENUE Cape May	
FIRM NAME (if applicable) N/A		DOCKET NUMBER (when available)			
OFFICE ADDRESS 207 S. Main Street Cape May Court House, NJ 08210		DOCUMENT TYPE Complaint		JURY DEMAND ☐ Yes ☒ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Sophia DiPeso, a minor by & through her Guardian Ad Litem, Inna DiPeso		CAPTION Sophia DiPeso, a minor by & through her Guardian Ad Litem, Inna DiPeso v. Steven R. DiPeso, et al			
CASE TYPE NUMBER (See reverse side for listing) 603Y	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
RELATED CASES PENDING? ☐ YES ☒ No		IF YES, LIST DOCKET NUMBERS			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) Geico Insurance Company ☐ NONE ☐ UNKNOWN			
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ No		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☒ FAMILIAL ☐ BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ No					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION					
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ No		IF YES, FOR WHAT LANGUAGE?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .					
ATTORNEY SIGNATURE: 					

CAPE MAY COUNTY DN - 203
SUPERIOR COURT
9 NORTH MAIN STREET
CAPE MAY CRT HSE NJ 08210-3096

COURT TELEPHONE NO. (609) 463-6514
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: SEPTEMBER 10, 2015
RE: DIPESO VS DIPESO ET AL
DOCKET: CPM L -000441 15

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON J C. GIBSON

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (609) 463-6514.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

MICHAEL A. SORENSEN
207 SOUTH MAIN ST
CPM COURT HOUSE NJ 08210-2274

JUDAGNO

9/14/15